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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/618,165	07/17/2000	Jae Beom Choi	8733.039.20	8415
30827 7590 11/09/2009 MCKENNA LONG & ALDRIDGE LLP 1900 K STREET, NW WASHINGTON, DC 20006				
EXAMINER CALLAWAY, JADE R				
ART UNIT 2872		PAPER NUMBER		
MAIL DATE 11/09/2009		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

09/618,165

**Applicant(s)**

CHOI ET AL.

**Examiner**

JADE R. CALLAWAY

**Art Unit**

2872

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 13-15, 18-23 and 27-37 is/are pending in the application.
- 4a) Of the above claim(s) 27-37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-15 and 18-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 09/084583.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/11/09 has been entered.

### ***Response to Amendment***

2. The amendments to the claims, in the submission dated 9/11/09, are acknowledged and accepted.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 13-15, and 17-23 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 13-15, 18-19, and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sinoto (3,371,324) in view of Melles-Griot Optics Catalog (Optics Guide 5) and Hanssen et al. (4,624,537).

Consider claim 22, Sinoto discloses a polarizer structure (e.g. fig. 2 and 10-11) comprising a light source for generating a light (light source not labeled); a plurality of sections (e.g. 20, 22, 24, 26), each section comprising a plurality of transparent substrates (e.g. 28, 30, 32, 34) made of plastic and producing polarized light; a polarizer holder (36, opaque border) supporting the plurality of substrate parts, wherein the polarizer holder includes a material having an optical absorptivity, and wherein the polarizer holder absorbs light reflected by the plurality of substrate parts; a means for directing light onto the plurality of substrates (via lenses) wherein the polarizer holder has a lattice like structure, wherein each transparent substrate part comprises a plurality of substrates stacked on top of one another (e.g. transparent substrates 104 and 106 are stacked) [col. 2, line 53 to col. 3, line 6, col. 7, lines 52-67]. Note: the recitation "for treating an alignment layer on a substrate of a liquid crystal display device" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

However, Sinoto does not disclose explicitly that the transparent substrates (e.g. 28, 30, 32, 34) causing the polarization of the incident light are made from quartz. Official Notice is taken. It would have been obvious to one of ordinary skill in the art at

the time the invention was made to use quartz plates instead of plastic plates in the polarizer structure of Sinoto, since quartz is less susceptible to external deleterious factors.

However, Sinoto does not specify the amount of Optical absorptivity exhibited by the polarizer holder. Sinoto and The Melles-Griot Optics product catalogue are related as polarizer devices. The Melles-Griot Optics product catalog (Optics Guide 5) shows polarizer elements (e.g., sheet polarizers), wherein it is disclosed that said polarizers are mounted on holders comprising black metal ring (see p. 14-23). In the special section dedicated to mounting systems, the catalog shows a lens holder made from brass, wherein it is taught that the body is black chrome coated to reduce scatter and stray reflections (see p. 23-5). For illustration purposes only, several other product publications are recited, all of them disclosing polarizer holders made of black anodized metal (see OptoSigma, Standa, and EKSPLA catalogs). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the material of the polarizer holder of Sinoto have a high absorptivity (such as highly absorbing black surfaced material), as taught by the Melles-Griot catalog, for avoiding undesired scattering of light (as taught by Melles-Griot) into the (narrow-angle forward, p-polarized) light component at the output of the device. Regarding the claimed amount of absorptivity, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the material of the polarizer holder of Sinoto having an absorptivity almost equal to 100%, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617

F.2d 272, 205 USPQ 215 (CCPA 1980). The use of highly absorptive optical element holders is well known in the art for preventing deleterious light scattering and reflection effects, which may adversely affect the optical beam quality.

However the modified Sinoto reference does not disclose a first moving control part moving the plurality of quartz substrate parts in the X-axis direction or a second moving control part moving the plurality of quartz substrate parts in the Y-axis direction. Sinoto, Melles-Griot and Hanssen et al. are related as adjustable devices. Hanssen et al. teach (e.g. figure 1) a first moving control part (6, displacement drive) for moving the plurality of quartz substrates in the X-axis direction and a second moving control part (8, displacement drive) moving the plurality of quartz substrate parts in the Y-axis direction [col. 2, lines 44-48]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of the modified Sinoto reference, as taught by Hanssen et al., in order to easily adjust the positioning of elements as needed in both X and Y directions.

Consider claims 13 and 15, the modified Sinoto reference discloses (e.g. figure 2 of Sinoto) the polarizer sections are rectangular.

Consider claim 14, the modified Sinoto reference does not specify that the sections 31 or 32 are triangular in shape. It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the polarizer section triangular, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980). Here, the result effective variable is the shape of the polarizer. A mesh of

triangular shaped sections is more economical to make since it has fewer connecting edges.

Consider claims 18-19, the modified Sinoto reference discloses that the substrate partially polarizes the light. However, the modified Sinoto reference does not disclose that the means for directing the light collimates the light. Official notice is taken. Although Sinoto does not disclose that the lenses collimate the light, it is well known that optical systems use lenses to collimate light in order to produce a uniform beam of light to prevent aberrations and other optical errors. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the device of the modified Sinoto reference so that a uniform beam of light could be produced to eliminate errors associated with uncollimated light.

Consider claim 23, the modified Sinoto reference discloses (e.g. figure 10 of Sinoto) that the degree of partial polarization depends on the number of substrates (polarization will depend on which portions of sheets 104 and 106 the light passes through) [col. 8, lines 10-19 of Sinoto].

6. Claims 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sinoto (3,371,324) in view of Melles-Griot Optics Catalog (Optics Guide 5) and Hanssen et al. (4,624,537) as applied to claim 1 above, and in further view of Kubota (3,912,920).

Consider claims 20-21, the modified Sinoto reference does not disclose that the plurality of the glass substrate parts is placed at a non-zero angle equal to the Brewster's angle relative to the normal line to the surface of the polarizer. Sinoto, Melles-Griot, Hanssen and Kubota are related as adjustable devices. Kubota teaches

that the plurality of the glass substrate parts is placed at a non-zero angle equal to the Brewster's angle relative to the normal line to the surface of the polarizer. [lines 43-49, col. 1 of Kubota]. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the device of the modified Sinoto reference, as taught by Kubota, so that light can be transmitted through the surface without reflection thereby reducing reflection errors.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JADE R. CALLAWAY whose telephone number is (571)272-8199. The examiner can normally be reached on Monday to Friday 6:00 am - 3:30 pm est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephone B. Allen can be reached on 571-272-2434. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JRC  
/JADE R. CALLAWAY/  
Examiner, Art Unit 2872

/Arnel C. Lavarias/  
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